



Patent

Docket Number: MP-00101.P.1.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)

Cohen et al.)

Application No.: 09/733,302)

Filed: December 8, 2000)

For: PARTIALLY RESORBABLE)
CONNECTIVE TISSUE DISTRACTION)
DEVICES AND TECHNIQUES)

Examiner: Reip, David Owen

Art Unit: 3731

#3
ALIVENS
9/10/01

Assistant Commissioner for Patents
Washington D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT NUMBER 1

Applicant submits the references listed on the attached Form PTO 1449, copies of which are enclosed.

This statement is being filed before the mailing of a First Office Action on the merits under 37 C.F.R. § 1.97(a)(3). Accordingly, no fee under 37 C.F.R. § 1.17(p) is deemed necessary.

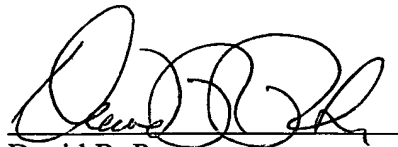
Information Disclosure Statement No. 1
MP-00101.P.1.2
Cohen et al.

Please apply any charges not covered, or any credits, to Deposit Account number 501321 in the name of David R. Preston & Associates, having Customer Number 24232.

Respectfully submitted,

Date:

August 23, 2001

A handwritten signature in dark ink, appearing to read 'David R. Preston', written over a horizontal line.

David R. Preston

Reg. No. 38,710

David R. Preston & Associates
12625 High Bluff Drive
Suite 205
San Diego, CA 92130
phone: 858.724.0375
facsimile: 858.724.0384



INFORMATION DISCLOSURE
STATEMENT
BY APPLICANT
(Use several sheets if necessary)

Docket Number:
MP-00101.P.1.2

Application Number:
09/733,302

Applicant: Cohen et al.

Filing Date:
December 8, 2000

Group Art Unit:
3731

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	P1	3,604,414	9/14/71	Borges			
	P2	4,119,092	10/10/78	Gil			
	P3	5,084,051	1/28/92	Törmälä et al.			
	P4	5,129,903	7/14/92	Luhr et al.			
	P5	5,252,523	10/12/93	Beall et al.			
	P6	5,281,226	1/25/94	Davydov et al.			
	P7	5,290,281	3/1/94	Tschakaloff			
	P8	5,364,396	11/15/94	Robinson et al.			
	P9	5,672,177	9/30/97	Seldin			
	P10	5,676,667	10/14/97	Hausman			
	P11	5,697,976	12/16/97	Chesterfield et al.			
	P12	5,766,710	6/16/98	Turnlund et al.			
	P13	5,769,850	6/23/98	Chin			
	P14	5,866,155	2/2/99	Laurencin et al.			
	P15	5,876,452	3/2/99	Athanasiou et al.			
	P16	5,902,304	5/11/99	Walker et al.			
	P17	5,919,234	7/6/99	Lemperle et al.			
	P18	5,935,594	8/10/99	Ringeisen et al.			
	P19	5,981,619	11/9/99	Shikinami et al.			

Examiner Signature		Date Considered	
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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	P20	5,997,568	12/7/99	Liu			
	P21	6,113,599	9/5/00	Landsberger			

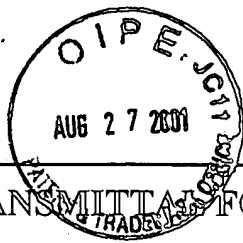
FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							YES	NO
	F1	WO 97/27811	8/7/97	PCT				
	F2	WO 98/07384	2/26/98	PCT				
	F3	WO 99/51171	10/14/99	PCT				
	F4	WO 01/41661	6/14/01	PCT				
	F5	WO 01/41662	6/14/01	PCT				

Examiner Signature		Date Considered	
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
EXAMINER INITIALS		CITATION
	D1	Balch et al., Arthroscopy, 15:691-708 (1999)
	D2	Chin and Toth, J. Oral Maxillofac. Surg., 54:45-53 (1996)
	D3	Cohen, Seminars in Orthodontics, 5:52-58 (1999)
	D4	Cohen et al., J. Craniofac. Surg., 10:244-251 (1999)
	D5	Constantino and Friedman, Otolaryngologic Clinis of N.A., 24:1433-1443 (1991)
	D6	Ilizarov, "The Principles of the Ilizarov Method" 48 Bull. of the Hospital for joint Diseases Orthopaedic Institute, 48:1-11 (1988)
	D7	Karp et al., Annals of Plastic Surgery, 24:231-237 (1990)
	D8	Karp et al., Annals of Plastic Surgery, 29:2-7 (1992)
	D9	Leibinger, Gen. Info. Modular Internal Distraction System, Scientific Documentation, Howmedica Leibinger Inc. (6/3/1998)
	D10	Leibinger, Modular Internal Distraction System, Scientific Documentation 90-02104, Howmedica Leibinger Inc. Carrollton, TX (12/1998)
	D11	McGuire et al., Arthroscopy, 15:463-473 (1999)
	D12	Schliephake et al., J. Oral Maxillofac. Surg., 56:616-626 (1998)
	D13	Vert et al., J. Controlled Release, 53:85-92 (1998)

Examiner Signature		Date Considered	
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3731



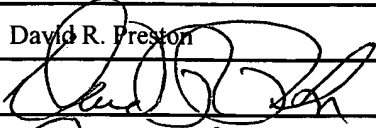
TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number:	09/733,302
		Filing Date:	December 8, 2000
		First Named Inventor:	Cohen et al.
		Group Art Unit:	3731
		Examiner:	Reip, David Owen
Total Pages in This Submission:	5	Attorney Docket Number:	MP-00101.P.1.2

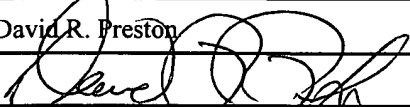
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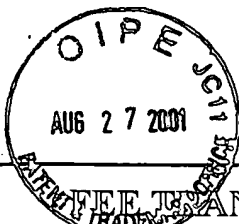
SEP 04 2001

TECHNOLOGY CENTER R3700

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal, Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits / Declarations(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Requests	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input type="checkbox"/> Additional Inclosures, identified below: Postcard Form 1449 and Cited References
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts / Incomplete Application	Remarks:	
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	David R. Preston
Signature	
Date	August 23, 2001

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date.		Date: 8/23/01
Typed or printed name:	David R. Preston	
Signature		Date: 8/23/01



FEE TRANSMITTAL Patent fees are subject to annual revision on October 1. These are the fees effective October 1, 1997. Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.		Complete if Known	
		Application Number:	09/733,302
		Filing Date:	December 8, 2000
		First Named Inventor:	Cohen
		Group / Art Unit:	3731
Total Amount of Payment	\$ 0.00	Docket Number:	MP-00101.P.1.2

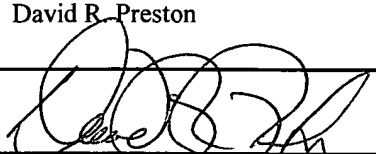
METHOD OF PAYMENT
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: <input type="checkbox"/> Deposit Account Name: <input type="checkbox"/> <input type="checkbox"/> Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17 to <u>Deposit Account Number 50132</u> <input type="checkbox"/> Charge the Issue Fee Set in 37 C.F.R. § 1.18 at the Mailing of the Notice of Allowance.
2. <input type="checkbox"/> Payment Enclosed <input type="checkbox"/> Check Number <input type="checkbox"/> Money Order <input type="checkbox"/> Other

FEE CALCULATION						
1. BASIC FILING FEE						
	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
	101		201		Utility Filing Fee	\$
	106		206		Design Filing Fee	\$
	107		207		Plant Filing Fee	\$
	108		208		Reissue Filing Fee	\$
	114		214		Provisional Filing Fee	\$
SUBTOTAL (1)						\$ 0.00

2. EXTRA CLAIM FEES								
				Extra Claims		Fee From Below		Fee Paid
Total Claims	[]	-20 **	Equals	[0]	Times	[]	Equals	\$ 0.00
Independent Claims	[]	-3 **	Equals	[0]	Times	[]	Equals	\$ 0.00
Subtotal (2)								\$ 0.00
** or number previously paid, if greater, For Reissues, see below								
	Large Entity		Small Entity		Fee Description			
	Fee Code	Fee (\$)	Fee Code	Fee (\$)				
	103		203		Claims in excess of 20			
	102		202		Independent claims in excess of 3			
	104		204		Multiple dependent claim, if not paid			
	109		209		** Reissue independent claims over original patent			
	110		210		** Reissue claims in excess of 20 and over original patent			

3. ADDITIONAL FEES					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105		205		Surcharge - late filing fee or oath	\$
127		227		Surcharge - late provisional filing fee or cover sheet	\$
139		139		Non-English specification	\$
147		147		For filing a request for reexamination	\$
112		112		Requesting publication of SIR prior to Examiner action	\$
113		113		Requesting publication of SIR after Examiner action	\$
115		215		Extension for reply within first month	\$
116		216		Extension for reply within second month	\$
117		217		Extension for reply within third month	\$
118		218		Extension for reply within fourth month	\$
128		228		Extension for reply within fifth month	\$
119		219		Notice of Appeal	\$
120		220		Filing a brief in support of an appeal	\$
121		221		Request for oral hearing	\$
138		138		Petition to institute a public use proceeding	\$
140		240		Petition or revive - unavoidable	\$
141		241		Petition or revive - unintentional	\$
142		242		Utility issue fee (or reissue)	\$
143		243		Design issue fee	\$
144		244		Plant issue fee	\$
122		122		Petitions to the Commissioner	\$
123		123		Petitions related to provisional applications	\$
126		126		Submission of Information Disclosure Statement	\$
581		581		Recording each patent assignment per property	\$
146		246		Filing a submission after final rejection (37 C.F.R. 1.129(a))	\$
149		249		For each additional invention to be examined (37 CFR 1.129(b))	\$
Other fee (specify):					\$
Subtotal (3)					\$ 0.00

4. SUMMATION OF FEES	
SUBTOTAL (1)	\$ 0.00
SUBTOTAL (2)	\$ 0.00
SUBTOTAL (3)	\$ 0.00
TOTAL FEES	\$ 0.00

SUBMITTED BY			Complete (If Applicable)	
Typed or Printed Name	David R. Preston		Registration Number:	38,710
Signature		Date: 8/23/01	Deposit Account User ID Number	50132